

**In the Matter of:**

**USA**

**v.**

**Saul Pacheco Mejia**

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**Hearing**

October 18, 2019

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USA v Saul Pacheco Mejia

1  
10/18/2019

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF VIRGINIA  
3 (Alexandria Division)  
4  
5 UNITED STATES OF AMERICA, )  
6 vs. ) Case No.: 1:15cr2  
7 SAUL PACHECO MEJIA, )  
8 Defendant. )  
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13 The above-entitled matter came on for  
14 arraignment on Friday, October 18, 2019, commencing  
15 at 11:03 a.m. at 401 Courthouse Square, Courtroom  
16 601, Alexandria, Virginia.

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19 BEFORE:  
20 THE HONORABLE ROSSIE D. ALSTON, JR.  
21  
22 \* \* \* \*

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## 1 A P P E A R A N C E S:

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3 ON BEHALF OF THE GOVERNMENT:

4 MICHAEL BEN'ARY, ESQUIRE

5 United States Attorney's Office

6 2100 Jamieson Avenue

7 Alexandria, Virginia 22314

8 (703) 299-3700

9

10 ON BEHALF OF THE DEFENDANT:

11 FRANK SALVATO, ESQUIRE

12 Law Offices of Frank Salvato

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14 Alexandria, Virginia 22314

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17 EMILY BECKMAN, ESQUIRE

18 King Campbell Poretz

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20 Alexandria, Virginia 22314

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22 (Appearances continued on the next page.)

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1 APPEARANCES (Continued) :

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3 ALSO PRESENT:

4 EVA DESROSIERS, Interpreter

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# 1 | P R O C E E D I N G S

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3 THE CLERK: Criminal Case No. 1:15cr2,

4 United States of America versus Saul Pacheco Mejia.

5 MR. SALVATO: Your Honor, nice to see you.

6 Frank Salvato with Emily Beckman for Saul Pacheco  
7 Mejia. Ms. Desrosiers is also here to translate.

8 (The interpreter was sworn.)

9                   THE INTERPRETER: For the record, my name  
10          is Eva Desrosiers. I'm a federally certified  
11          translator.

12 THE COURT: Thank you, ma'am. Thank you  
13 for being here this morning.

14 MR. BEN'ARY: Good morning, Your Honor.

15 Michael Ben'Ary on behalf of the United States.

16 THE COURT: Yes, sir.

17 MR. SALVATO: Your Honor, this comes on

18 for arraignment. We have received a copy of the

19 indictment. We reviewed it with our client, enter a  
20 plea of not guilty, and request a jury trial.

21 Your Honor, because of the nature of the  
22 case and the complexity of the case, the

1 Government's going to make a decision on  
2 certification in this case or not. I think both  
3 parties are looking for a status date at this point  
4 in either February or March or whatever would be  
5 available to the Court.

6 THE COURT: Mr. Ben'Ary, when do you  
7 expect the Government to make a determination about  
8 the certification issue?

9 MR. BEN'ARY: Your Honor, as I'm sure you  
10 know, it's a long process that requires a decision  
11 by the Attorney General. He's the only one that can  
12 make the decision.

13 I've been consulting with our district's  
14 capital case coordinator, and he indicated if the  
15 Court was amenable to setting a status about four  
16 months out, that there's no reason a decision  
17 couldn't be made and us to be able to set a trial  
18 date at that time.

19 THE COURT: All right. Counsel, obviously  
20 with that issue, we have some speedy trial issues.  
21 Do we have any speedy trial implications that need  
22 to be decided on?

1                   MR. SALVATO: No, Your Honor. We've  
2 actually spoken to our client this morning. We've  
3 informed him that normally there would be a 70-day  
4 speedy trial right that he would have. Given the  
5 complexity of the case -- and I believe there's some  
6 Fourth Circuit case law directly on point -- and  
7 also how we need to prepare, we've spoken with the  
8 client. He's agreeable to set it outside the speedy  
9 trial and set it for a status.

10                  THE COURT: Do you have a speedy trial  
11 waiver form?

12                  MR. SALVATO: We do not, Your Honor.

13                  THE COURT: Go ahead and execute that.

14                  MR. BEN'ARY: Your Honor, may it please  
15 the Court. I would suggest that 18 United States  
16 Code 3161(h)(7)(B)(ii) provides a basis for  
17 declaring a case complex and going outside of the  
18 normal 70-day clock and also 3161(h)(7)(B)(i), the  
19 ends of justice exception, would apply in this case.

20                  THE COURT: I always like to have the  
21 speedy trial waiver's executed because I don't know  
22 how that law's going to be interpreted down the road

1 and I want to make sure I take care of my cases, but  
2 I appreciate you letting me know the evidence.

3 Sir, your counsel's presented to me a  
4 waiver of speedy trial. Your lawyer has indicated  
5 that it is your desire to waive speedy trial with  
6 regard to these issues because of circumstances that  
7 need to be taken care of in advance of your trial.

8 After going over that form with your counsel, if you  
9 agree to a speedy trial, please sign it, and we'll  
10 submit it back to the Court.

11 MR. SALVATO: And, Your Honor, while  
12 that's being translated, I will get in touch with  
13 Larry Dash, the budgeting coordinator on the Fourth  
14 Circuit. I've been down this road before. I'll  
15 speak with him at the beginning. We'll be getting  
16 paperwork to you soon.

17 THE COURT: Yes, sir. Yes, I've spoken  
18 with Mr. Dash, not specifically about this case, but  
19 I understand the process that we go through.  
20 Obviously, I'm sensitive to the outcome in a case as  
21 sensitive as this.

22 MR. SALVATO: Thank you, Your Honor. I've

1       been through that with Mr. Dash several times, so we  
2       should be smooth sailing.

3                 THE COURT: Yes, sir.

4                 MR. SALVATO: Should be.

5                 THE COURT: In the Court's presence, Mr.  
6       Mejia has endorsed a waiver of speedy trial. It's  
7       being presented to the Court now. It's been  
8       endorsed by one of his counsel and has been  
9       presented to the deputy clerk. Let's go ahead and  
10      set status. I think that's the best thing to do at  
11      this point. What would you suggest?

12                MR. SALVATO: Maybe February 21st, Your  
13      Honor, which would be a Friday, or the 28th.

14                THE COURT: Let's go with the 21st.

15                MR. SALVATO: 21st. Yes, sir.

16                THE COURT: And that will be at eleven  
17      o'clock. You may not know this, but in  
18      accommodation to the other District Court judges,  
19      I'm trying to do most of my criminal docket at  
20      eleven o'clock as opposed to nine o'clock.

21                MR. SALVATO: Your Honor, the Government's  
22      also provided us a discovery order this morning.

1       We'll take a look at that. I don't anticipate any  
2 problems. We'll probably get that filed next week.

3       I'll just -- let me review it --

4                 THE COURT: You can submit that -- you can  
5 submit that through chambers and we will take care  
6 of that.

7                 Mr. Mejia, have you had any difficulty  
8 understanding the interpreter that's been provided  
9 to you by the Court?

10                THE DEFENDANT: No. I can understand her  
11 well.

12                THE COURT: Do you have any questions for  
13 the Court?

14                THE DEFENDANT: No. But I hope for a  
15 positive response.

16                THE COURT: Yes, sir. All right. So  
17 obligations you have at this point is to make sure  
18 that you cooperate with your counsel. Do the best  
19 you can as far as helping them prepare for your  
20 trial. In the meantime, we're going to remand you  
21 to the custody of the United States marshal. Thank  
22 you, sir.

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1 MR. SALVATO: Thank you, Your Honor. We  
2 appreciate the interruption in your case.

3 THE COURT: No problem.

4 (Whereupon, the proceedings at 11:09 a.m.  
5 were concluded.)

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1 CERTIFICATE OF REPORTER  
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3 I, Janice A. Salas, do hereby certify that  
4 the foregoing proceedings were taken by me in  
5 stenotype and thereafter reduced to typewriting  
6 under my supervision; that I am neither counsel for,  
7 related to, nor employed by any of the parties to  
8 the action in which these proceedings were taken;  
9 and further, that I am not a relative or employee of  
10 any attorney or counsel employed by the parties  
11 hereto, nor financially or otherwise interested in  
12 the outcome of the action.

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20 JANICE A. SALAS

21 Court Reporter

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